

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERK'S OFFICE

Town of Duxbury, et. al.,

Plaintiffs,

v.

Amerada Hess Corporation, et al.,

Defendants.

2003 DEC 24 A 10: 47

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 2003-12399RGS

**DEFENDANT CITGO'S NOTICE OF STAY ORDERS IN RELATED CASES
AND STIPULATION APPLICABLE TO THIS CASE**

NOW COMES Defendant CITGO Petroleum Corporation ("CITGO"), by and through its counsel, and hereby notifies the Court of the entry of stay orders in related actions and of plaintiffs' counsel's stipulation that this case should be stayed, as discussed below. CITGO further submits herewith a proposed stay Order.

1. On December 11, 2003, CITGO and other Defendants in this action filed Defendants' Motion to Stay Proceedings Pending Ruling on Transfer and Consolidation by the Judicial Panel on Multidistrict Litigation. Shortly thereafter, on December 19, 2003, certain Defendants filed Defendants' Motion for Extension of Time in Which to File Opposition to Plaintiffs' Motion to Remand, which Opposition otherwise would be due on December 26, 2003.

2. CITGO now files this Notice to apprise the Court of an order entered by Judge Shira Scheindlin, presiding judge in MDL 1358, *In Re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, attached hereto as Exhibit A, and the entry of a stay order on December 18, 2003 in another related case, *State of New Hampshire v. Amerada Hess Corp., et al.*, (D.N.H. Docket No. 03-CV-486 and D.R.I. Docket No. CA 03-0529L), attached hereto as

Exhibit B. CITGO also seeks to apprise this Court that counsel for all plaintiffs in this case stipulated in the matter before Judge Scheindlin on December 19, 2003 that this case should be stayed.

3. Judge Scheindlin, acting in her capacity both as a presiding judge in MDL 1358, and the assigned judge in nine MTBE products liability actions pending in the Southern District of New York, entered the attached order on December 23, 2003. The Order requests that all proceedings in the cases listed on the Schedule attached to the Order, including this case, be stayed pending transfer of the cases to MDL 1358. Judge Scheindlin has set an expedited briefing schedule on the Motions for Remand filed in the cases currently pending before her.

4. Similarly, on December 18, 2003, Judge Ronald R. Lagueux entered an order in the *State of New Hampshire* suit referenced above, staying that action.

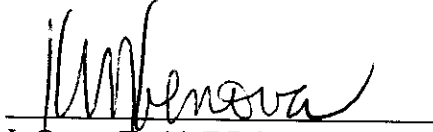
5. Finally, counsel representing approximately 90% of the plaintiffs on the Schedule attached to Judge Scheindlin's order, including counsel for all plaintiffs in this case, have stipulated to the following: (1) that all cases they control should be stayed and transferred to Judge Scheindlin; (2) that plaintiffs will not oppose the issuance of a conditional transfer order by the Judicial Panel for Multidistrict Litigation (subject to and without waiving plaintiffs' objection to federal jurisdiction); (3) that Judge Scheindlin may stay and cause the immediate transfer of other cases to her court; (4) that an expedited briefing schedule and hearing will be conducted on plaintiffs' motions for remand pending in the cases before Judge Scheindlin; and (5) pending declaratory judgment actions filed by certain oil company defendants shall be stayed pending the decision on remand. (Transcript, at pp. 26-28). The transcript encompassing this stipulation is attached hereto as Exhibit C. Thus, it is anticipated that 90% of the scheduled cases, including this one, will be stayed by agreement of the parties as soon as the parties have

time to complete the logistics of filing the appropriate documentation with the respective courts.

Respectfully submitted,

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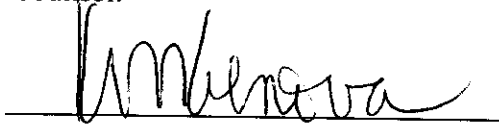
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Dated: December 24, 2003

CERTIFICATE OF SERVICE

I, Kathleen M. Genova, one of the attorneys for CITGO Petroleum Corporation, hereby certify that I caused a copy of the foregoing to be served upon all counsel on the attached Service List, by U.S. Mail, first class postage prepaid, on December 24, 2003, with copies this same day served by telecopier on Plaintiffs' counsel.



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